

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CLARENCE H. ELLIOT,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

2:08-cv-00829-GMN-RJJ

ORDER

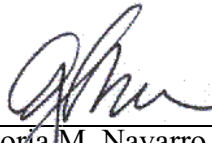
This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner, Clarence H. Elliot, who is represented by counsel. On September 23, 2011, the Court issued an order granting the habeas petition and requiring, among other things, petitioner's release from custody within thirty days unless the State files a written election to retry petitioner. (ECF No. 45.) Before the Court is respondents' motion for stay (ECF No. 55), to which petitioner has responded (ECF No. 56). Also before the Court is petitioner's motion for release on personal recognizance or bail pending appellate review of the Court's decision conditionally ordering his release. (ECF No. 50.)

Under its inherent authority to control its own docket, and in the interests of justice, the Court hereby temporarily stays its September 23, 2011 Order until the motions concerning petitioner's custody status pending appeal can be addressed. *See Hoeun Yong v. INS*, 208 F.3d 1116, 1119 (9th Cir. Cal. 2000) (describing a district court's authority to impose a short stay in a habeas corpus case). Specifically, the Court stays the provisions of its September 23, 2011 order requiring the State to release

1 petitioner from prison within thirty days unless it files an election to retry petitioner and commences jury
2 selection within 120 days. The stay shall remain in effect until further order of the Court.

3 **IT IS THEREFORE ORDERED** that the Court's order of September 23, 2011 (ECF No. 45)
4 is **STAYED** until further order of the Court.

5 Dated this 21st day of October, 2011.

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Gloria M. Navarro
United States District Judge